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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,145

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Eldean KJose

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01/28/2008

WOODS FULLER SHULTZ & SMITH P.C.

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SIOUX FALLS, SD 57117

EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

01/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,145	Applicant(s) KJOSE, ELDEAN	
	Examiner BASIL KATCHEVES	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9,11,13-18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18,20 is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9,11,13,17 and 21 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non final action is necessitated by the finding of art not previously considered.

Claim Objections

The term "RV" throughout the claims is a relative term which renders the claim indefinite. The term "RV" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,759,162 to Wyse.

Regarding claim 1, Wyse discloses a portable deck system, inherently capable of use with a camper, the deck comprised of a platform assembly (fig. 1:10), with a support frame comprised of lateral extents (fig. 3: 24) and longitudinal extents (fig. 3: 28), a plurality of legs (fig. 2: 46), a plurality of decking members (fig. 3: 14A-D) removably

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mounted, the frame comprised of several sections (fig. 2), the extents of each portion removably coupled to the extents of another portion (figs. 2 & 3), And the legs have enlarged base portions (fig. 5: 64).

Regarding claim 2, 7, 9, Wyse discloses a stair access (fig. 1: 102) coupled to the platform.

Regarding claim 4, Wyse discloses the legs as telescoping (fig. 4).

Regarding claim 5, Wyse discloses the platform portions as separable (fig. 2).

Regarding claim 8, Wyse discloses the stairs as having a plurality of vertical supports (fig. 1: legs adjacent to 62 and support 102), a frame and treads.

Regarding claim 11, Wyse discloses a handrail assembly (fig. 1: 20) having a top hand rail coupled between two vertical stanchions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 13, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,759,162 to Wyse in view of U.S. Patent No. 5,761,854 to Johnson et al.

Regarding claim 3 Wyse does not disclose the legs as folding parallel to an extent. Johnson discloses a portable structure having folding legs (fig. 3: 46) which fold parallel to an underlying extent (fig. 3: 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wyse by using the folding legs of Johnson, in order to speed assembly and removal of the platform. The direction in which they would fold, parallel to a particular extent, would have been an obvious design choice

Regarding claims 13 and 21, Wyse discloses a portable deck system, inherently capable of use with a camper, the deck comprised of a platform assembly (fig. 1:10), with a support frame comprised of lateral extents (fig. 3: 24) and longitudinal extents (fig. 3: 28), at least three legs (fig. 2: 46), a plurality of decking members (fig. 3: 14A-D) removably mounted, the frame comprised of several sections (fig. 2), the extents of each portion removably coupled to the extents of another portion (figs. 2 & 3), And the legs have enlarged base portions (fig. 5: 64), a stair access (fig. 1: 102) coupled to the platform, the legs as telescoping (fig. 4), the platform portions as separable (fig. 2), the stairs as having a plurality of vertical supports (fig. 1: legs adjacent to 62 and support 102), a frame and treads, a handrail assembly (fig. 1: 20) having a top hand rail coupled between two vertical stanchions. However, Wyse does not disclose the legs as hinged parallel to an extent. Johnson discloses a portable structure having folding legs (fig. 3: 46) which fold parallel to an underlying extent (fig. 3: 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wyse by using the folding legs of Johnson, in order to speed assembly and removal of the

platform. The direction in which they would fold, parallel to a particular extent, would have been an obvious design choice

Regarding claim 17, Wyse discloses a coupling means (fig. 3: 54 & 56) which is on the perimeter of each platform module. The applicant should note that an RV is not claimed.

Claim Objections

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15 and 16 are objected for depending from 14. The prior art of record does not contain the claimed subject matter as the claims 14 depends from and the limitations of E shaped tubular members connected together.

Allowable Subject Matter

Claims 18 and 20 are allowed.

Response to Arguments

Applicant's arguments filed 6/28/07 have been fully considered but are moot under new grounds of rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to portable platforms in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3633

1/23/08